

An Garda Síochána

Oifig Saorála Fáisnéise,
An Garda Síochána, Teach áth Luimnigh,
Lárionad Gnó Udáras Forbartha Tionscail,
Baile Sheáin, An Uaimh,
Contae na Mí.
C15 DR90



Freedom of Information Office,
An Garda Síochána, Athlumney House,
IDA Business Park,
Johnstown, Navan,
Co Meath.
C15 DR90

Teileafón/Tel: (046) 9036350

Láithreán Gréasain/Website:

www.garda.ie

Bí linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000469-2017 Request Refused

Dear

I refer to your request, dated and received on the 23rd October 2017 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency "insofar as it relates to administrative records relating to human resources, or finance or procurement matters". Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request sought:

I request the following records relating to drug driving:

(i) The amount of money that has been taken in by An Garda Síochána in Limerick, and nationwide, as a result of drug driving fines since the introduction of drug-driving devices in April, up to the date of this request.

(ii) The amount of drug driving tests that have been administered on drivers nationwide and in Limerick, since the introduction of drug-driving devices in April, up to the date of this request.

(iii) The amount of positive drug driving tests nationwide and in Limerick, since the introduction of drug-driving devices in April, up to the date of this request.

(iv) The amount of members of An Garda Síochána in total that are stationed in Limerick, and the amount of those members that are trained in the use of drug driving device equipment in Limerick.

1

I wish to inform you that I have decided to refuse your request on the 15th November 2017.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the Finance Directorate who conducted a search for records containing the information you have sought in Part (i) of your request.

Part (i) of your request sought ‘*the amount of money that has been taken in by An Garda Síochána in Limerick, and nationwide, as a result of drug driving fines since the introduction of drug-driving devices in April, up to the date of this request.*’

I am to advise you that any person detected for a Drug Driving offences are prosecuted by way of summons and therefore any fines imposed are collected by the Courts Service. In this regard, no monies are collected by An Garda Síochána and therefore the records sought by you do not exist.

I am now refusing Part (i) of your request under Section 15(1)(a) of the Freedom of Information Act which states:

Refusal on administrative grounds to grant FOI requests

*15(1) A head to whom an FOI request is made may refuse to grant the request where
(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,*

However, you may wish to contact Ms Miriam O’Flanagan, the Freedom of Information Officer at The Courts Services at the address below in relation to same.

Freedom of Information Officer, The Courts Service, 15/24 Phoenix Street North, Smithfield, Dublin 7. Telephone + 353 1 8886464. Email foi@courts.ie.

Part 1(n) of Schedule 1.

Section 6(2)(a) of the FOI Act provides that an entity specified in Schedule 1, Part 1 of the Act shall, subject to the provisions of that Part, be a public body for the purposes of the FOI Act. Schedule 1, Part 1 contains details of bodies that are partially included for the purposes of the FOI Act and also details of the certain specified records that are excluded. If the records sought come within the description of the exclusions of Part 1, then the FOI Act does not apply and no right of access exists.

Part 1(n) of Schedule 1 of the FOI Act provides that An Garda Síochána is not a public body for the purposes of the FOI Act other than in relation to administrative records relating to human resources, or finance or procurement matters.

The term “administrative records” is understood to mean records relating to the processes of running and managing a business or organisation. As a result, the FOI Act excludes

operational policing business as opposed to the defined administrative processes of An Garda Síochána.

The records that you sought relate to operational policing matters carried out by An Garda Síochána, as opposed to administrative matters relating to human resources, or finance or procurement.

I am therefore refusing parts (ii) and (iii) of your request as this information falls outside the scope of the FOI Act insofar as the records do not meet the criteria of administrative records as defined in the Act.

In relation to part (iv) of your request, you sought *'the amount of members of An Garda Síochána in total that are stationed in Limerick, and the amount of those members that are trained in the use of drug driving device equipment in Limerick'*. I am to advise you that as of 30th September 2017, there were 554 Garda members attached to Limerick Division. However, I am refusing information in relation to the training of members of An Garda Síochána in Limerick in the use of drug testing device in accordance with Section 15(1)(d) of the FOI Act which states:

Refusal on administrative grounds to grant FOI requests

*15(1) A head to whom an FOI request is made may refuse to grant the request where
(d) the information is already in the public domain*

This information has been the subject of a previous FOI request (FOI-000438-2017) and is available on the 2017 Decision Log on the Garda website under the heading of Freedom of Information Office. You may access this decision letter by following the attached link:

<http://www.garda.ie/Controller.aspx?Page=20879&Lang=1>

2. Right of Appeal

In the event that you are not happy with this decision you may seek an Internal Review of the matter by writing to the address below and quoting reference number **FOI-000469-2017**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath C15 DR90

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8. Payment can be made by electronic means, using the following details:

Account Name: Garda Síochána Finance Section Public Bank Account

Account Number: 10026896

Sort Code: 900017

IBAN: IE86B0F190001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number (FOI-000469-2017) is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT**
HELEN DEELY
FREEDOM OF INFORMATION OFFICER

16th **NOVEMBER 2017**